



**Amended A G E N D A**  
**OCONEE COUNTY COUNCIL MEETING**  
**Tuesday, May 18, 2010**  
**6:00 PM**  
Council Chambers, Oconee County Administrative Offices  
415 South Pine Street, Walhalla, SC

1. Call to Order
2. Public Comment Session *(Limited to forty (40) minutes, four (4) minutes per person.)*  
Comments MUST be related to a specific agenda item slated for action at this meeting
3. Extended Public Comment Session *(Limited to 2 citizens per meeting, prior scheduling required with Clerk to Council, five [5] minutes per person. Comments not limited to specific agenda item)*
  - No Citizens Signed up for Public Comment at this meeting.
4. Meeting Recess *[Meeting will Recess no later than 6:50 p.m.]*

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5. Meeting Reconvenes *[Meeting will Reconvene at 7:00 p.m.]*
6. Moment of Silence
7. Pledge of Allegiance to the Flag of the United States of America
8. Approval of Minutes:
  - May 4, 2010: Regular Meeting
  - May 6, 2010: Special Meeting
9. Consideration of the Following Resolutions:
  - [1] First & Final Reading of [Resolution R2010-04](#) ‘A RESOLUTION HONORING JOHNSON CONTROLS’  
Johnson Controls Inc. is celebrating 25 years in Oconee County.
  - [2] First & Final Reading of [Resolution R2010-06](#) “A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT GOLD DUST, WHEREBY, UNDER CERTAIN CONDITIONS, OCONEE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN EIGHTEEN MILLION DOLLARS (\$18,000,000) INVESTMENT” along with [Inducement Agreement](#)  
Project Gold Dust is proposing investing \$18.7M and creating 11 new jobs. An additional investment may be increased to \$23.0M and 32 jobs created if economic conditions justify this additional investment.  
This new investment is estimating \$1,361,111 in taxes will be collected by Oconee County over the next 21 years.
10. Consideration of the Following Proclamations:
  - [1] First & Final Reading of [Proclamation P2010-02](#) ‘A PROCLAMATION THANKING SELECT CIVIC LEADERS AND CITIZENS FOR THEIR INVALUABLE SERVICE TO OCONEE COUNTY’ Council will thank key civic leaders & citizens for assisting in the selection process for the administrator.
    - Mr. Dan Alexander
    - Mrs. Rosemary Bailes
    - Mr. Greg Dieterick
    - Mr. Jerry Edwards
    - Mr. Jim Gadd
    - Mr. Warren Harris
    - Mr. Derek Hodgins
    - Mr. William "Ham" Hudson
    - Mr. Gregorie Nowell
    - Mr. Gary Owens
    - Mr. John Powell
    - Mr. C. W. Richards
    - Mr. Mendel Stone
    - Dr. Michael Thorsland

11. Consideration of the Following Ordinances:

[1] Second Reading of [Ordinance 2010-09](#) “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA, TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF AND THE ENTERING INTO DEVELOPMENT AGREEMENTS”

Title 6 Chapter 31 of the SC Code of Laws (the Local Governmental Development Agreement Act) authorizes counties to enter into development agreements with developers, provided an appropriate ordinance establishing the procedures and requirements for agreements is first adopted by County Council. The Keowee River Preservation Group, LLC, has requested Council consider entering into such an agreement for the Keowee River Development, a planned development of approximately 774 acres in Oconee County, which is expected to require up to 20 years to complete. Ordinance 2010-09 would put in place the required elements for Oconee County, should it desire, to enter into this and future development agreements. Council took First Reading in Title Only on April 6, 2010.

**It is the staff’s recommendation that Council take Second Reading of this ordinance and schedule the required public hearing on or after June 1, 2010.**

[2] Second Reading of [Ordinance 2010-10](#) “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY AND KEOWEE RIVER PRESERVATION GROUP, LLC, WHEREBY CERTAIN PROPERTY WILL BE SUBJECT TO CERTAIN DEVELOPMENT STANDARDS; AND OTHER MATTERS RELATED THERETO”

Keowee River Preservation Group, LLC, has requested Council consider entering into a development agreement that would vest the developer under a set of standards governing the development of the proposed Keowee River project, a 774 acre mixed-use development in Oconee County, for the life of the agreement. This would provide the developer greater certainty in designing the various phases of the development, which is projected to require up to 20 years. If approved, the agreement would negate the need to obtain a series of variances related to road design, as well as impose design standards on a number of elements of the project, some of which are currently not regulated by Oconee County. Staff have reviewed the proposed standards, and have identified no obvious safety issues resulting from the requested variances. It should be noted that the agreement would not waive any fire or building codes, and all plans would be reviewed for strict compliance with the standards established. Council took First Reading in Title Only on April 6, 2010.

**It is the staff’s recommendation that Council take Second Reading on this ordinance and schedule the required public hearing on or after June 1, 2010.**

[3] Second Reading of [Ordinance 2010-18](#) “AN ORDINANCE TO AUTHORIZE THE LEASING OF CERTAIN OCONEE COUNTY SPACE; AND OTHER MATTERS RELATED THERETO”

*[lease will be presented for review at next reading]*

[4] First Reading of [Ordinance 2010-19](#) “ORDINANCE CONVEYING RIGHT-OF-WAY ON SHEEP FARM ROAD”

*[lease will be presented for review at second reading]*

[5] First Reading [in title only] of [Ordinance 2010-20](#) ‘AN ORDINANCE REGARDING THE SALE OF JOINTLY OWNED PROPERTY WITH ANDERSON & PICKENS COUNTIES”

[6] First Reading [in title only] of [Ordinance 2010-21](#) AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, TO ESTABLISH THE AGRICULTURAL RESIDENTIAL DISTRICT AND THE PUBLIC AND RECREATIONAL LANDS DISTRICT, AND ALL RELATED USES, STANDARDS AND REQUIREMENTS; AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO”

12. Discussion & Possible Action Items

*[5 min. per Action Item]*

[1] Planning Commission Recommendations for Amending Zoning Regulations

The Planning Commission recently undertook a review of adopted zoning regulations to identify issues deemed problematic, and to create proposed remedies. As a result of this effort, the Commission developed a series of recommendations for Council’s consideration as potential amendments to the regulations.

**It is the staff’s request that council review the proposed changes and provide instruction, as appropriate, to staff how Council wishes to proceed.**

[2] Consent Agenda Items / ATAX Grant Request

- a. Not to Exceed \$1,900 / 2010 Heritage Corridor Magazine / Advertising
- b. \$4,000 / Host 2 fishing tournaments / Southern Crappie Fishing Tournament Trail

[3] RFQ 09-25 / Program Management Consultant / \$50,000 Pre-Design Services Phase & fee equal to 3.5% of the total construction project costs for additional program management services

The Oconee County Detention Center has been in continuous operation for over thirty-two (32) years. Since 2003, the Detention Center has been found in non-compliance with several Minimum Standards related to inmate overcrowding by the South Carolina Department of Corrections Division of Compliance, Standards and Inspections. In March of 2009 the County issued an RFP for a Detention Center Needs Analysis. On October 27<sup>th</sup>, 2009 Moseley Architects presented the Needs Analysis and Master Plan to County Council, along with three construction options. In November of 2009 Moseley provided additional options with reduced costs at the request of Council. All proposed options ranged in price from \$12.4 to \$20.7 million dollars. Before proceeding further with this crucial project, County Council on February 16, 2010 authorized the issuance of an RFQ in order to identify a firm with the experience, capabilities and qualified available staff to provide Program Management Services for the new Oconee County Detention Center. This firm will serve as the County's advocate and partner to develop a project that is well designed and constructed, delivered on time and within approved budgets and represents a high value of investment by the County. The initial fee for pre-design services includes recommending the jail program and site, developing jail concept alternatives, analysis of different delivery methods and recommendation, developing cost analysis and alternatives for financing this project and preparation of procurement documents.

On March 23, 2010, formal sealed proposals were opened for a Program Management Consultant for the Oconee County Detention Center. Seventeen firms were originally notified of this opportunity and seven firms submitted proposals. An evaluation committee consisting of Reginald T. Dexter, Council Chair; Gene Klugh, Interim County Administrator; Lake Julian, Facilities and Construction Manager; and Major Steve Pruitt, Director of the Detention Center reviewed all responses and recommended Carter Goble Lee Companies (CGL) of Alpharetta, GA, as the most qualified firm to perform these services. Information presented by CGL indicates that they have a record of delivering approved construction projects on time and within budget. CGL also states that they normally save clients the cost of CGL's program management fees through their technical construction expertise, tight scheduling and other cost-saving measures.

Staff requests that the initial \$50,000 for these services be paid from the HR contingency fund. This amount will later be reimbursed to the County when General Obligation Bonds are issued at the start of the project. The 3.5% fee based on the total construction project will be paid from the total amount to be later budgeted for this project.

**It is the staff's recommendation that Council award RFQ 09-25, Program Management Consultant for Oconee County Detention Center to Carter Goble Lee Companies of Alpharetta, GA not to exceed the amount of \$50,000 for the Pre-Design Services phase and a fee not to exceed 3.5% of the total construction project costs for their additional program management services.**

[4] [Memorandum of Understanding \[MOU\]](#) / Tri County Technical College [TTC]

This is a Memorandum of Understanding with Tri County Technical College regarding funding of College Operations, Capital Renovations and Capital Projects for Fiscal Years 2011 through 2016. The Memorandum of Understanding addresses that for fiscal years 2006 through 2009, funds generated by Oconee County's millage rate for support of TTC were \$785,341 greater than funding requested by the College. The excess funds were distributed by the County to the College.

The County anticipates being able to fully fund the College's request for FY 2010 and will disburse only the amount the College requested. The County does not anticipate being able to fully fund the College's request for FY 2011. The forecast of millage collected is expected to fall short of the College's need by \$20,405.

Under State Board of Technical & Comprehensive Education policy, the College must decide whether to assess a Differential Fee for students of a county that does not fully fund its share of operations and plant maintenance. Considering the excess funds distributed by the County to the College over the past years, Oconee County and the College have come to an agreement as outlined in the MOU document. This MOU outlines a method to provide for fully funding Oconee County's share of operations and plant maintenance in order to avoid a differential fee being assessed for students from Oconee County.

**It is the staff's recommendation that Council authorize the County Administrator to execute the Memorandum of Understanding between Oconee County and Tri County Technical College as presented.**

[5] Bid 09-14 / Jenkins Bridge Removal & Replacement / \$186,218.51 including 10% contingency

Jenkins Bridge is a single lane bridge on a rural two lane road in Westminster, SC. The existing bridge has an outdated, inadequate, guardrail protection system. Also, scouring along the bridge foundation is a cause for concern. The Road and Bridges Department is repairing the bridge decking on a regular basis. The bridge replacement contract shall consist of construction of new 70 foot pre-stressed Hollow Cored Slab Bridge. The Contractor will be asked to remove the existing bridge (super structure only) and place it on a flat bed truck and deliver to the Solid Waste/Road departments for recycling and/or demolition. The County offered this existing bridge for sale, but no bids were received. Because of the scope of this project, only bids from Contractors listed on the South Carolina Department of Transportation's List of Prequalified Prime Contractors specializing in Bridge Construction were accepted.

On April 27, 2010, formal sealed bids were opened. Thirteen companies were originally notified of this bid opportunity. Four bids were received, with Saddlebrook Construction, Inc of Pickens, SC submitting the lowest bid of \$169,289.55.

The Transportation Committee approved funding the replacement of Jenkins Bridge at the September 22, 2009 Committee Meeting; and subsequently Council approved funding by authorizing Ordinance 2009-20. The Jenkins Bridge removal and replacement is budgeted as a Capital Project and funded from account 010-601-50882-00000 which has a balance of \$303,037.34 as of May 3, 2010.

**It is the staff's recommendation that Council award Bid # 09-14 to Saddlebrook Construction of Pickens SC in the amount of \$169,289.55 with a 10% (\$16,928.96) contingency for a total of \$186,218.51.**

13. Board & Commission Appointments *[None scheduled at this meeting]*
14. Commission / Board Reports to Council [**ten minute maximum**]
  - Economic Development Commission
15. Council Committee Reports
  - Budget, Finance & Administration / Mr. Dexter
  - Planning & Economic Development / Mr. Corbeil
16. Administrator Report
17. Old Business
18. New Business
19. Executive Session *[for the purpose of discussing a contractual matter with the City of Seneca]*
  - Vote/Action on matters discussed in Executive Session *[if required]*
20. Adjourn

**[This agenda is not inclusive of all issues which Council may bring up for discussion at this meeting.]**

Oconee County Council & Committee meeting schedules and agendas are posted at the Oconee County Administration Building and are available on the County Council Website [www.oconeesc.com/council.html](http://www.oconeesc.com/council.html)  
[All upcoming meetings will be held in Council Chambers unless otherwise noted]